

**Race to the Top
Grant Amendment Submission Process
January 5, 2011**

A grantee may request a revision to its approved Race to the Top grant project. As previously discussed, grantees may propose revisions to goals, activities, timelines, budget, or annual targets, provided that the following conditions are met:

- Such revisions do not result in the grantee's failure to comply with the terms and conditions of this award and the program's statutory and regulatory provisions;
- The revisions do not change the overall scope and objectives of the approved proposal; and
- The Department of Education (the Department) and the grantee mutually agree in writing to such revisions. The Department has sole discretion to determine whether to agree to such revisions or modifications.

This document provides guidelines for grantees requesting to amend the grant project. Specifically it includes:

- Circumstances requiring submission of an amendment request
- What to include in an amendment request
- When and how to submit an amendment request
- The Department's review process
- Race to the Top program *principles*
- Pertinent Race to the Top grant conditions

Circumstances requiring submission of an amendment request:

- **Changes in activities.** A grantee must request an amendment for any proposed revision that constitutes a substantial change in activities from the approved grant project, regardless of budgetary impacts. Your program officer can help you determine whether the change is a substantial change in activities. Such changes may include, but are not limited to changes in goals, activities, timelines, annual targets, or performance measures.
- **Major budgetary changes.** Budgetary changes include transfers among direct cost categories (e.g., personnel, travel, equipment) and among separately budgeted programs, projects, function, or activities that exceed \$100,000 of the current approved budget. In such cases, a grantee must request an amendment to its budget.
- **Changes to the list of participating LEAs.** States were encouraged to sign up all of their participating LEAs before applying for a Race to the Top grant, but were permitted to add participating LEAs up until 90 days after the announcement that the State had been awarded a Race to the Top grant. After the 90 day window, if a State chooses to add or remove a participating LEA, the State must obtain approval from

the Department. If a State adds or removes a participating LEA that receives funding under Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA), it must recalculate its section 14006(c) subgrant allocations to all participating LEAs. Note that an LEA may choose to withdraw from the State's Race to the Top grant project, as long as the terms of the withdrawal are consistent with the termination terms in the MOU signed between the State and the LEA and, if applicable, with the scope of work. The State must notify the Department in this circumstance, but a formal amendment is not required.

What to include in the amendment request:

We suggest that you consider using the letter template provided by the Department to provide information regarding the following five elements.

- 1. Grant project area(s) that would be affected by the change.**
- 2. Description of the requested change.** Include a *brief* explanation of the original work/activities/budget and a more detailed description of the new work/activities/budget being requested.
- 3. Impact statement regarding performance metrics/outcomes.** Explain how this change would affect the State's performance measures and student outcome goals, and how the requested change helps the State meet its goals.
- 4. Budget documentation.** Include the most recent relevant project-level budget table(s), and indicate with "track changes" the requested changes. The State's program officer may request additional supplementary information, as needed. If the requested amendment does not affect the budget, indicate that in the request.
- 5. Signatures.** The payee (e.g., SEA Chief or representative) must sign the request and provide an assurance that the grantee (Governor) is aware of the request. If the request is for a substantial change, the Department may require a signature from the Governor, as well as the payee.

When and how to submit an amendment request:

- Amendment requests must be submitted prior to implementing any changes to grant projects or budgets.
- Amendment requests can be submitted to the Department at any time.
- All requests should be submitted to the State's program officer.

Please note that all approved amendments will be posted publicly on the Department's website, along with the State's rationale for the change.

The Department's review process:

- The Department will review the amendment request, apply the conditions noted above, and compare it with the Race to the Top program *Principles* (see below). Requests that are inconsistent with the conditions noted above, or that are not aligned to or violate the *Principles* will not be approved.
- The Department will make every effort to review and make a determination on submitted amendment requests within 10 business days. In cases where a decision cannot be made without more information or clarification from the State, decision timeframes will be adjusted on a case-by-case basis.

Race to the Top program principles:

- Ultimately, States will be held accountable for increasing student achievement, increasing high school graduation rates, narrowing the achievement gaps, and preparing students for success in college and the workforce. A State must ensure that Race to the Top resources are directed towards activities and strategies that support its theory of action for achieving increases in student outcomes.¹
- The annual performance measures States included in their applications are leading indicators of their success towards increasing student outcomes and States will be held accountable for meeting these targets or making significant progress towards them.
- A core element of the Race to the Top program is comprehensive reform that addresses all four education assurance areas. Changes or revisions to a State's plan that would significantly decrease or eliminate reform in any of these four reform areas constitute a fundamental change to the State's scope of work (this includes changes in State law and regulations and union/State board support that would prevent Race to the Top plan activities and deliverables).
- A grantee's application represents the best thinking at a given point in time and as States and districts implement their Race to the Top plans, they may need to revise their plans. A State must justify any revisions to activities in its approved Race to the Top plan that substantially diverge from what was proposed in its initial plan and must provide compelling evidence of how such a change will help it meet its performance measures and achieve increases in student outcomes, and is consistent with the principles discussed in this section and the conditions noted above.

¹ The Department does not anticipate approving amendments or revisions to student outcome goals. Exceptions may include the occurrence of a natural disaster, ESEA reauthorization, and proportional adjustments to cut scores in statewide assessments.

- Impact and reach of the Race to the Top program within a given State is relevant to the overall State scope of work. Significant decreases in the number of participating LEAs, number or percentage of students in the participating LEAs, and/or percentage of students in the participating LEAs who qualify for free and reduced-price lunch may be inconsistent with the basis for the original approval of the application and may compromise the program.
- Fiscal responsibility and appropriate use of funds is a priority for the Department. States will be held accountable for how they and their districts use their Race to the Top grant funds and how they monitor their districts' use of Race to the Top grant funds.

Pertinent Race to the Top grant conditions:

“A. All commitments contained in the Grantee’s (State) Application, including the structure of the Grant Project and the proposed uses of Grant funds, are and will remain fully binding on the Grantee and its subgrantees. Funds may only be used for activities proposed in the State’s approved grant application, unless otherwise approved by the Department. The Grantee and its subgrantees are responsible for implementing and adhering to the Scopes of Work, including the Timelines, and Budgets, referenced in condition B below. The Grantee may request a revision of its approved Grant Project, including goals, activities, timelines, budget, or annual targets provided that:

- 1) Such revisions do not result in the Grantee’s failure to comply with the terms and conditions of this award and the Program’s statutory and regulatory provisions; and
- 2) The U.S. Department of Education (ED or Department) and the Grantee must mutually agree in writing to such revisions. ED has sole discretion to determine whether or not to agree to such revisions or modifications.

In the event that ED determines that the Grantee (or Grantee determines that a subgrantee) is not meeting its goals, activities, timelines, budget, or annual targets or is not fulfilling other applicable requirements, ED (or the Grantee) will take appropriate enforcement action(s), which could include a collaborative process between ED and the State, the State and an LEA, or any of the enforcement measures that are set forth in 34 CFR section 80.43 in the Education Department General Administrative Regulations (EDGAR) including putting the Grantee or subgrantee on reimbursement payment status, withholding funds, disallowing costs, or exercising any available legal remedy.”

“H. With respect to 34 CFR section 80.30(c) ‘Budget changes’ provisions, the Grantee and subgrantees must obtain prior written approval from ED for transfers among direct cost categories and among separately budgeted programs, projects, functions, or activities that exceed \$100,000 of the current total approved budget.”